

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CONNECTU LLC

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO
SAVERIN, DUSTIN MOSKOVITZ, ANDREW
MCCOLLUM, CHRISTOPHER HUGHES, and
THEFACEBOOK, INC.,

Defendants.

MARK ZUCKERBERG, and
THEFACEBOOK, INC.,
Counterclaimants,

v.

CONNECTU LLC,
Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,
Additional Defendants on Counterclaims.

Civil Action No. 1:04-CV-11923 (DPW)

District Judge Douglas P. Woodlock

**AFFIDAVIT OF MONTE COOPER IN SUPPORT OF THE FACEBOOK
DEFENDANTS' MOTION TO COMPEL PARTICULARIZED IDENTIFICATION OF
TRADE SECRETS IN RESPONSE TO THE FACEBOOK DEFENDANTS'
INTERROGATORY NO. 2**

I, MONTE M.F. COOPER, declare as follows:

1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel for Defendants Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and TheFacebook, Inc. (collectively, the "Facebook Defendants"). I make this Declaration in support of the Facebook Defendants' Motion to Compel Particularized Identification of Trade Secrets in Response to The Facebook Defendants' Interrogatory No. 2. I am an active member in good standing of the Bar of the States of California and Colorado, and am admitted to appear *pro hac vice* before this court. I have personal knowledge of the facts stated therein and if called as a witness, could and would competently testify thereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Defendant and Counterclaimant TheFacebook, Inc.'s First Set of Interrogatories to ConnectU LLC (Nos. 1-17), dated July 11, 2005.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiff and Counterclaim Defendant Connectu LLC's Response Number 2 to Defendant and Counterclaim Plaintiff TheFaceBook, Inc.'s First Set of Interrogatories (Nos. 1-17), dated August 22, 2005.

[FILED SEPARATELY UNDER SEAL WITH THE CLERK OF THE COURT]

4. Attached hereto as **Exhibit 3** is a true and correct copy of a letter from Joshua H. Walker to Troy E. Grabow, dated August 25, 2005.

5. Attached hereto as **Exhibit 4** is a true and correct copy of a letter from Monte M.F. Cooper to John F. Hornick, dated August 31, 2005.

6. Attached hereto as **Exhibit 5** is a true and correct copy of a letter from John F. Hornick to Monte M.F. Cooper, dated August September 1, 2005.

7. Attached here to as **Exhibit 6** is a true and correct copy of a September 16, 2003, email from Course Match to Mark Zuckerberg, produced in discovery as FACE002481.

8. Attached hereto as **Exhibit 7** is a true and correct copy of copy of pages 1, 6, 7, 147, 165-66, 174-182, and 403 of the August 9, 2005 deposition of ConnectU LLC under Federal Rule of Procedure 30(b)(6). [**FILED SEPARATELY UNDER SEAL WITH THE CLERK OF THE COURT**].

9. Attached hereto as **Exhibit 8** is a true and correct copy of a letter from Monte M.F. Cooper to John F. Hornick, dated August 19, 2005.

10. Attached hereto as **Exhibit 9** is a true and correct copy of a letter from Monte M.F. Cooper to John F. Hornick, dated August 22, 2005.

11. Attached hereto as **Exhibit 10** is a true and correct copy of Defendants' Amended Notice of Deposition of Plaintiff and Counterdefendant ConnectU. Pursuant to Federal Rule of Civil Procedure 30(b)(6).

12. Attached hereto as **Exhibit 11** is a true and correct copy of the article titled "A Social Network Caught in the Web" by Lada A. Adamic, Orkut Buyukkokten, and Eytan Adar, available at .

13. Attached hereto as **Exhibit 12** are true and correct November 22, 2001 screenshots of the Club Nexus website made available from the website www.web.archive.org, which screenshots are available at:
<http://web.archive.org/web/20020328112040/clubnexus.stanford.edu/you.html>
<http://web.archive.org/web/20020328104523/clubnexus.stanford.edu/net.html>
<http://web.archive.org/web/20020328094930/clubnexus.stanford.edu/groups.html>
<http://web.archive.org/web/20020608153037/clubnexus.stanford.edu/nexus.html>
<http://web.archive.org/web/20020609051706/clubnexus.stanford.edu/signup.html>
<http://web.archive.org/web/20020811004815/clubnexus.stanford.edu/team.html>

14. Attached hereto as **Exhibit 13** is a true and correct September 21, 2002 screenshot of the Club Nexus website made available from the website www.web.archive.org, which screenshots are available at:
<http://web.archive.org/web/20020921185004/http://clubnexus.stanford.edu/>

15. Attached hereto as **Exhibit 14** is a true and correct November 24, 2002 screenshot of the Club Nexus website made available from the website www.web.archive.org, which screenshots are available at:
<http://web.archive.org/web/20021120121124/clubnexus.stanford.edu/Signup0.aspx>

16. Attached hereto as **Exhibit 15** is a true and correct screenshot from April 4, 2003 of the Club Nexus website made available from the website www.web.archive.org, which screenshots are available at:

<http://web.archive.org/web/20030404083636/clubnexus.stanford.edu/directory.html>

17. Attached hereto as **Exhibit 16** is a true and correct copy of an April 9, 2001 press release titled "Classmates Exceeds 16 Million Members," available at

<http://www.classmates.com/cmo/about/press/releasedetails.jsp?contentInfoId=14500060>.

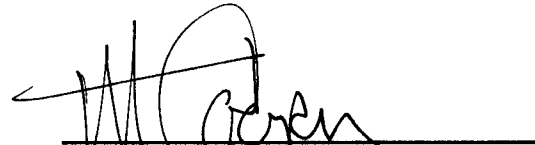
18. Attached hereto as **Exhibit 17** is a true and correct copy of an January 29, 2004 Staff Editorial from the Columbia Spectator titled "A Welcome Distraction," available at

http://www.columbiaspectator.com/vnews/display.v/ART/2004/01/29/4018cb2de1dc6?in_archive=1

19. Attached hereto as **Exhibit 18** is a true and correct copy of a February 13, 2004 article from The Tech, Vol. 124, Number 4, page 17, titled "Matchup Inspires Online Love," available at <http://www-tech.mit.edu/V124/PDF/N4.pdf>.

20. Attached hereto as **Exhibit 19** is a true and correct copy of a May 5, 2003, online edition article from [cnn.com](http://edition.cnn.com) titled "Online Help for Love-Seeking College Cupids," available at <http://edition.cnn.com/2003/EDUCATION/05/05/college.matchmaking.ap/>

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This Affidavit is executed on this 8th day of September, 2005, at Menlo Park, California.


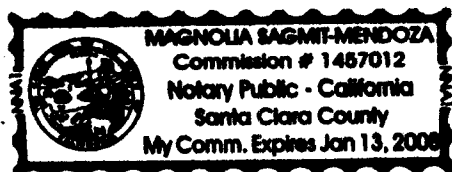

Monte M.F. Cooper

State of California

County of San Mateo

Subscribed and sworn to (or affirmed) before me on this 8th day of September, 2005 by

MONTE M.F. COPPER, personally known to me on the basis of satisfactory evidence to be the person(s) who appeared before me.


Magnolia Sagmit-Mendoza, Notary